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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,041	07/07/2003	Takenori Morinaga	62807-130	4695

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McDermott, Will & Emery
600, 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

MOSSER, KATHLEEN MICHELE

ART UNIT	PAPER NUMBER
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3715

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/613,041

Applicant(s)

MORINAGA ET AL.

Examiner

Kathleen Mosser

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/11/06.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6, and 10-13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1,2,4-6, and 10-13 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07/07/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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DETAILED ACTION

In response to the amendment filed 05/11/2006, claims 3 and 7-9 have been cancelled; claims 1, 2, 4-6, 10 and newly added claims 11-13 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2 and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Tognazzini (US 5860023). Tognazzini teaches a system including: a computer unit connected to at least radio transmitter-receiver means and a display device (the central computer, Figures 9A and 9B), **claim 1**; a plurality of mobile terminal devices communicating with said computer unit via said radio transmitter-receiver means (Audience systems, Figures 1A and 2A), **claim 1**; control means incorporated in said computer unit to provide input information from said mobile terminal device on said display device, said control unit including cursor control means together with a computer program for controlling cursor position information based on the input information in order to indicate a display on a screen of said display device (col. 8: 33-35, part of the input interface and the display interfaces in Figure 2B), as in **claim 1**. The mobile terminal devices include PDAs (**claim 2**), see col. 2: 14-17 and col. 5: 52-56. Storage means connected to the computer unit (**claim 4**) are shown as hard disk drive 950. The control unit including a file acquisition unit together with a computer program for acquiring stored data from the storage means (**claim 5**) is shown in col. 10: 33-54. The control mean including information format transforming means for transforming data stored in said storage means to an information format for the mobile terminal (**claim 6**) is shown in col. 9: 43-64.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

2. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tognazzini (US 5860023) in view of Zilliacus (US 2003/0211856). Tognazzini teaches all features of the claimed invention as shown above but fails to teach that the mobile devices could be cellular telephones. Zilliacus teaches an audience polling system wherein users may receive information and transmit responses via a cellular phone (mobile phones), see paragraph 23. It would have been obvious to one of ordinary skill in the art to modify the system of Tognazzini to include a cellular phone as the mobile device, as taught by Zilliacus, so as to allow the user to perform the required functions using a device which they may be more comfortable with (Tognazzini, col. 5: 54-57).

3. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameda (US 5828372). Kameda teaches a system including: a display (Figure 1 either of elements 101 or 107); a presentation computer coupled to the display, configured to communicate with each of a plurality of mobile devices in a networked manner, the plurality of mobile devices including a lecturer computer and at least one audience mobile device (the terminal controllers); wherein the presentation computer:

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responsive to a control signal received from the lecturer mobile device, displays cursor identification unique to the lecturer mobile device on the display, wherein the control signal received from the lecturer mobile device is generated by operating an input device located on the lecturer mobile device, and controls the position of the cursor identification unique to the lecturer mobile device; and responsive to a control signal received from the audience mobile device, displays cursor identification unique to one of the audience mobile devices on the display, wherein the control signal received from the audience mobile device is generated by operating an input device located on the audience mobile device, and controls the position of the cursor identification unique to the audience mobile device displayed on the display (at least col. 2: 58-66, col. 6: 45- col. 7: 24), as in **claim 11**. The presentation computer being responsive to an information acquisition request from the audience mobile device and the cursor identification unique to the audience mobile device identifying a storage device of the presentation computer, acquires data stored in the storage device and transmits the acquired data to the audience device (**claim 12**) is shown in at least col. 8: 37-56. The lecturer mobile device inducing a screen displaying a cursor corresponding to the cursor identification unique to the lecturer mobile device displayed on the display (**claim 13**) is shown in that each of the user terminals have their own associated display, see Figure 1

Kameda fails to teach that the communication network in which the devices communicate is wireless. However, the examiner takes **OFFICIAL NOTICE** that wireless communication networks are old and well-known in the art of computer networking. It would have been obvious to one of ordinary skill in the art to embody the generic network taught by Kameda as a wireless network so as to allow for a widespread communication network.

Response to Arguments

4. Applicant's arguments filed 05/1/2006 have been fully considered but they are not persuasive. Applicant argues that Tognazzini fails to teach the feature of the control unit including cursor control means together with a computer program from controlling cursor position information based on the

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received input information in order to indicate a display on a screen of said display device. To support this assertion the applicant states that the pointing devices of Tognazzini are part of a central control computer not part of a remote terminal. This statement is not within the scope of the current claims. The current claims only require cursor control means together with a computer program for controlling cursor position information based on the input information for the mobile terminals, there is nothing which states that the mobile terminals must include their own cursor control means or even their own pointing devices. In addition, Figure 9A shows pointing devices being available on at least two of the mobile terminals (the speaker and operator console). For these reasons the rejection of the claims based on Tognazzini is maintained.

Specific arguments concerning newly added claims 11-13 with regards to Tognazzini have not been presented. The examiner thanks the applicant for specifically pointing to sections of the specification, which show support for the newly added claim features.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - a. Memhard et al (US 6201859) teaches a system including controlling structure for user inputs within a video conferencing embodiment
 - b. Altom et al (US 5627978) teaches a controlling program for multiple user inputs in a video conferencing or shared application type system
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH**

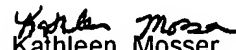
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shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Mosser whose telephone number is (571) 272-4435. The examiner can normally be reached on M-F 8:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Kathleen Mosser
Primary Examiner
Art Unit 3715

July 18, 2006